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PATENT

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I hereby certify that this correspondence is being transmitted via facsimile to **571-273-8300** on **9 JANUARY 2006** addressed to: **ASSISTANT COMMISSIONER FOR PATENTS, ALEXANDERIA, VA 22313.**

Roland K. Bowler II

Applicant:	BI ET AL.	)	
		)	Examiner M. Jagannathan
Appl. No.	10/685,372	)	
		)	Art Unit 2666
Confirm. No.	4417	)	
		)	Atty. Docket No. CS23794RA
Filed:	14 October 2003	)	
Title:	"Channel Allocation Extension In Wireless Communications Networks And Methods"		

TRANSMITTAL UNDER 37 CFR 41.31

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

BI ET AL.
"Channel Allocation Extension In
Communications Networks And Methods"
Atty. Docket No. CS23794RA

Appl. No. 10/685,372
Confirm. No. 4417
Examiner M. Jagannathan
Art Unit 2666

The following is enclosed in response to the Notice of Panel Decision from Pre-Appeal Brief review of 8 December 2005:

[X] Appeal Brief Under 37 CFR 41.37 (16 pages);
[X] Fee Calculation Sheet (DUPLICATE).

Respectfully submitted,

ROLAND K. BOWLER II 9 JAN. 2006
REG. NO. 33,477

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MOTOROLA, INC.
INTELLECTUAL PROPERTY DEPT. (RKB)
600 NORTH U.S. HIGHWAY 45, AN475
LIBERTYVILLE, ILLINOIS 60048

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FEE TRANSMITTAL

Patent fees are subject to annual revision

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 500.00

Complete if Known	
Application Number	10/685,372
Filing Date	14 October 2003
First Named Inventor	BI ET AL.
Examiner Name	M. Jagannathan
Group Art Unit	2666
Attorney Docket No.	CS23794RA

METHOD OF PAYMENT (*check all that apply*)

Check ☐ Credit card ☐ Money Order ☐ Other ☐ None ☐

☒ Deposit Account:

Deposit Account Number: 502117
Deposit Account Name: MOTOROLA INC.

The Director is authorized to: (*check all that apply*)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

☐ Charge fees(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Large Fee ($)	Small Entity Fee ($)	Large Fee ($)	Small Entity Fee($)	Large Fee($)	Small Entity Fee($)	Fee Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXTRA CLAIM FEES

	Fees ($)	Small Entity Fee ($)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple Dependent Claims	360	180

Total Claims ______ - 20 or HP = Extra Claims ______ x Fee ($) 50 = Fee Paid ($) ______

Multiple Dependent Claims: Fee ($) 360 Fee Paid ($) ______

HP = highest number of total claims paid for, if greater than 3

Indep. Claims ______ - 3 or HP = Extra Claims ______ x Fee ($) 200 = Fee Paid ($) ______

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee is $250 ($125 for small entity) For each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets ______ - 100 = Extra Sheets ______ /50 = Number of each additional 50 or fraction thereof (round up to a whole number) X Fee ($) 250 = Fee Paid ($) ______

FEE CALCULATION (continued)

4. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	
1051	130	2051	65	Surcharge – late filing fee or oath	
1052	50	2052	25	Surcharge – late Provisional filing	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for ex parte Reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1590	2254	795	Extension for reply within fourth month	
1255	2160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1000	2403	500	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive – unavoidable	
1453	1500	2453	750	Petition to revive – unintentional	
1501	1400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1100	2503	550	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of IDS	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination	
1802	900	1802	900	Request for expedited examination of a design application	

Fee Paid ($) ______

5. OTHER FEE(S) (specify)

Non-English Specification, $130 fee (no small entity discount)

Fee Paid ($) 500

SUBMITTED BY	ROLAND K. BOWLER II				
Name (Print/Type)		Registration No.	33,477	Telephone	847-523-3978
Signature		Date	9 January 2006		

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FEE TRANSMITTAL

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☐ Applicant claims small entity status. See 37 CFR 1.27

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Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
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Multiple Dependent Claims: Fee ($) 360 Fee Paid ($) ______

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FEE CALCULATION (continued)

4. ADDITIONAL FEES

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Fee Paid ($) ______

5. OTHER FEE(S) (specify)

Non-English Specification, $130 fee (no small entity discount)

Fee Paid ($) 500

SUBMITTED BY	ROLAND K. BOWLER II		
Name (Print/Type)		Registration No.	33,477
		Telephone	847-523-3978
Signature		Date	9 January 2006

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PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	BI ET AL.	Examiner M. Jagannathan
Appl. No.	10/685,372	Art Unit 2666
Confirm. No.	4417	Atty. Docket No. CS23794RA
Filed:	14 October 2003	

Title: "Channel Allocation Extension In Wireless Communications Networks And Methods"

APPEAL BRIEF UNDER 37 C.F.R. § 41.37(c)

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Real Party In Interest

The real party in interest is Motorola Inc., by virtue of an assignment duly executed by the named inventor(s) and recorded in the Patent Office on REEL/FRAME 014410/0724.

Related Appeals & Interferences

There are no related appeals or interferences.

Status of Claims

Claims 1-20 are pending. Claims 4-6, 11-14 and 16-20 were indicated as being allowed or allowable. Claims 1-3, 7-10 and 15 are finally rejected and are the subject of the instant appeal. A copy of the claims pending is attached in Appendix A.

Status of Amendments

No amendments have been filed subsequent to the mailing of the final Office Action on 18 August 2005.

Summary of Claimed Subject Matter

In one embodiment, a wireless communications network infrastructure entity determines that a wireless communications device has discontinued transmission on an allocated channel. Page 7, line 18-page 8, line 22. The network entity extends the channel allocation after determining that the wireless communications device discontinued transmission, and terminates the allocation if the channel allocation is not extended. Page, 9, line 13 – page 10, line 7.

In another embodiment, a wireless communications network infrastructure entity determines that a wireless communications device has discontinued transmission on an allocated channel, and indicates to the wireless communications device whether the channel allocation to the wireless communications device is extended, after determining that the wireless communications device discontinued transmission, using rate control information transmitted to the wireless communications device after the transmission is discontinued. Page, 9, line 13 – page 10, line 10.

In another embodiment, a wireless communications device terminates transmission on an allocated channel, receives transmission rate control information after terminating the transmission, and interprets the transmission rate control information channel as an indication that the channel allocation has been extended beyond the time during which the transmission was terminated. Page, 9, line 13 – page 10, line 10.

Grounds of Rejection for Review on Appeal

Whether Claims 1-3, 7-10 and 15 are patentable over U.S. Patent No. 6,504,827 (Kuo) under 35 USC 102(e). Final Office Action, 18 August 2005.

Arguments

Discussion of Claim 1

Regarding Claim 1, contrary to the Examiner's assertion, Kuo fails to disclose or suggest a

> ... method in a wireless communications network infrastructure entity, the method comprising:
> determining that a wireless communications device has discontinued transmission on an allocated channel;
> extending the channel allocation to the wireless communications device after determining that the wireless communications device discontinued transmission;

terminating the channel allocation if the channel allocation is not extended.

For the downlink, at col. 1, lines 32-57, Kuo generally discusses a discontinuous data transmission technique wherein the base station transmits in a frame, f, on a control channel, a flag (bit) indicating that it has data to transmit in some future frame, f + q. At col. 3, line 64 - col. 4, line 15, Kuo discusses use of the forward dedicated channel in a CDMA network to transmit the flag. For the uplink, the base station in Kuo determines when to allow transmission by the mobile terminal and then sends a positive reverse flag to the mobile terminal. The reverse flag indicates when the base station is ready to receive data from the mobile. Kuo, col. 5, line 59 – col. 6, line 9.

Kuo does not disclose or discuss determining whether a mobile terminal has discontinued transmission on an allocated channel. The sending of a flag in Kuo merely indicates when data will be sent by the network to the mobile; it is not the same as extending a channel allocation made previously to the wireless communications device. In Kuo, the network sends the flag after determining when data will be sent to the mobile station, not after determining that the mobile station has discontinued transmission on a previously allocated channel. Kuo also fails to terminate a channel allocation if the channel allocation is not extended. Claim 1 is thus patentably distinguished over Kuo.

Allowability of Claim 2

Regarding Claim 2, Kuo fails to disclose or suggest in combination with Claim 1,

> ... transmitting transmission rate control information to the wireless communications device to which the channel has been allocated while the wireless communications device transmits on the allocated channel;
>
> extending the channel allocation using the transmission rate control information after determining that the wireless communications device discontinued transmission.

Contrary to the Examiner's assertion, the flag in Kuo merely indicates when data (a future frame) will be sent. Kuo makes no reference to controlling the transmission rate or to extending a channel allocation using transmission rate control information. Claim 2 is thus further patentably distinguished over Kuo.

Allowability of Claim 3

Regarding Claim 3, Kuo fails to disclose or suggest in combination with Claim 2,

> ... not extending the channel allocation by not transmitting transmission rate control information after determining that the wireless communications device discontinued transmission.

Contrary to the Examiner's assertion, failure to send the flag in Kuo merely indicates that data will not be sent. The flag in Kuo has no relation to the transmission rate or to extending a previously allocated channel. Claim 3 is thus further patentably distinguished over Kuo.

Allowability of Claim 7

Regarding Claim 7, Kuo fails to disclose or suggest in combination with Claim 1,

> ... determining that the wireless communications device discontinued transmission by monitoring a data control channel on which the wireless communications device transmits; and
>
> determining whether the channel allocation will be maintained in response to determining that the wireless communications device discontinued transmission.

Kuo does not disclose determining whether the mobile terminal has discontinued transmission on a previously allocated channel or resource. Thus there is no suggestion in Kuo to monitor a data control channel to determine that the mobile has discontinued transmission. Kuo also does not disclose determining whether to maintain a channel allocation based on determining that the mobile station has discontinued transmission. Claim 7 is thus further patentably distinguished over Kuo.

Allowability of Claim 8

Regarding Claim 8, Kuo fails to disclose or suggest in combination with Claim 1,

> ... determining that the wireless communications device discontinued transmission based on a power estimation on a data channel on which the wireless communications device transmits,
>
> determining whether the channel allocation will be maintained in response to determining that the wireless communications device discontinued transmission.

Kuo does not disclose determining whether the mobile terminal has discontinued transmission on a previously allocated channel or resource. Thus there is no suggestion in Kuo to determine that the mobile has discontinued transmission based on power estimation. Moreover, Kuo does not disclose determining whether to maintain a channel allocation based on determining that the mobile has discontinued transmission. Claim 8 is thus further patentably distinguished over Kuo.

Allowability of Claim 9

Regarding Claim 9, Kuo fails to disclose or suggest in combination with Claim 1,

> ... determining that the wireless communications device discontinued transmission based on decoding a data channel on which the wireless communication device transmits.

Kuo does not disclose determining whether the mobile terminal has discontinued transmission on a previously allocated channel or resource. Thus there is no suggestion in Kuo to determine that the mobile has discontinued transmission based on decoding a data channel. Moreover, Kuo does not disclose determining whether to maintain a channel allocation based on determining that the mobile has discontinued transmission. Claim 9 is thus further patentably distinguished over Kuo.

Allowability of Claim 10

Regarding Claim 10, contrary to the Examiner's assertion, Kuo fails to disclose or suggest a

> ... method in a wireless communications network infrastructure entity, the method comprising:
>
> determining that a wireless communications device has discontinued transmission on an allocated channel;
>
> indicating to the wireless communications device whether the channel allocation to the wireless communications device is extended, after determining that the wireless communications device discontinued transmission, using rate control information transmitted to the wireless communications device after the wireless communications device discontinued transmission.

For the downlink, at col. 1, lines 32-57, Kuo generally discusses a discontinuous data transmission technique wherein the base station transmits in a frame, f, on a control channel, a flag (bit) indicating that it has data to transmit in some future frame, f + q. At col. 3, line 64 - col. 4, line 15, Kuo discusses use of the forward dedicated channel in a CDMA network to transmit the flag.

Kuo does not discuss determining whether a mobile terminal has discontinued transmission on an allocated channel. The sending of a flag in Kuo merely indicates when data will be sent. The flag in Kuo is unrelated to rate information. Kuo sends the flag after determining when data will be sent by the network, not after determining that the wireless communications device has discontinued transmission on an allocated channel. Kuo also fails to discuss using rate control information transmitted to the wireless communications device after the wireless communications device discontinued transmission. Claim 10 is thus patentably distinguished over Kuo.

Allowability of Claim 15

Regarding Claim 15, contrary to the Examiner's assertion, Kuo fails to disclose or suggest a

> ... method in a wireless communications device, the method comprising:
>
> terminating transmission on an allocated channel;
>
> receiving transmission rate control information after terminating the transmission,
>
> interpreting the transmission rate control information received after terminating the transmission on the allocated channel as an indication that the channel allocation has been extended beyond the time during which the transmission was terminated.

For the downlink, at col. 1, lines 32-57, Kuo generally discusses a discontinuous data transmission technique wherein the base station transmits in a frame, f, on a control channel, a flag (bit) indicating that the network has data to transmit to the mobile station in a future frame, f + q. At col. 3, line 64 - col. 4, line 15, Kuo discusses use of the forward dedicated channel in a CDMA network to transmit the flag.

Kuo does not disclose or discuss receiving transmission rate control information after terminating the transmission. The sending of a flag in Kuo indicates when data will be sent. The flag in Kuo is unrelated to rate information. Moreover, the mobile terminal in Kuo does not interpret the transmission rate control information received after terminating the transmission on the allocated channel as an indication that the channel allocation has been extended beyond the time during which the transmission was terminated. Claim 10 is thus patentably distinguished over Kuo.

Prayer For Relief

Kindly reverse and vacate the rejections of claims in view of the discussion above, with instructions for the Examiner to allow said Claims to issue in a United States Patent without further delay and provide other relief warranted.

Respectfully submitted,

ROLAND K. BOWLER II 9 JAN. 2006
REG. NO. 33,477

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APPENDIX A

1. (Original) A method in a wireless communications network infrastructure entity, the method comprising:

determining that a wireless communications device has discontinued transmission on an allocated channel;

extending the channel allocation to the wireless communications device after determining that the wireless communications device discontinued transmission;

terminating the channel allocation if the channel allocation is not extended.

2. (Original) The method of Claim 1,

transmitting transmission rate control information to the wireless communications device to which the channel has been allocated while the wireless communications device transmits on the allocated channel;

extending the channel allocation using the transmission rate control information after determining that the wireless communications device discontinued transmission.

3. (Original) The method of Claim 2, not extending the channel allocation by not transmitting transmission rate control information after determining that the wireless communications device discontinued transmission.

4. (Original) The method of Claim 2, changing the transmission rate using the transmission rate control information at the same time the channel allocation is extended.

5. (Original) The method of Claim 2,

sending a signaling and control message with secondary transmission rate information,

the secondary transmission rate for determining a transmission rate for when the channel allocation is extended.

6. (Original) The method of Claim 1,

transmitting transmission rate control information to the wireless communications device to which the channel has been allocated in at least some frames during which the wireless communications device transmits on the allocated channel, the transmission rate control information controlling a transmission rate for a frame subsequent to the frame during which the transmission rate control information is transmitted;

extending the channel allocation by transmitting transmission rate control information in the frame after the frame during which the wireless communications device discontinued transmission.

7. (Original) The method of Claim 1,

determining that the wireless communications device discontinued transmission by monitoring a data control channel on which the wireless communications device transmits; and determining whether the channel allocation will be maintained in response to determining that the wireless communications device discontinued transmission.

8. (Original) The method of Claim 1,

determining that the wireless communications device discontinued transmission based on a power estimation on a data channel on which the wireless communications device transmits,

determining whether the channel allocation will be maintained in response to determining that the wireless communications device discontinued transmission.

9. (Original) The method of Claim 1, determining that the wireless communications device discontinued transmission based on decoding a data channel on which the wireless communication device transmits.

10. (Original) A method in a wireless communications network infrastructure entity, the method comprising:

determining that a wireless communications device has discontinued transmission on an allocated channel;

indicating to the wireless communications device whether the channel allocation to the wireless communications device is extended, after determining that the wireless communications device discontinued transmission, using rate control information transmitted to the wireless communications device after the wireless communications device discontinued transmission.

11. (Original) The method of Claim 10,

transmitting transmission rate control information to the wireless communications device to which the channel has been allocated, the transmission rate control information controlling a transmission rate of the wireless communications device,

extending the channel allocation to the wireless communications device, after determining that the wireless communications device discontinued transmission, by transmitting transmission rate control information after determining that the wireless communications device discontinued transmission.

12. (Original) The method of Claim 11, changing the transmission rate of the extended channel allocation, relative to a transmission rate prior to when the wireless communications device discontinued transmission, using a polarity attribute of the transmission rate control information used to extend the channel allocation.

13. (Original) The method of Claim 11, changing the transmission rate of the extended channel allocation, relative to a transmission rate prior to when the wireless communications device discontinued transmission, by transmitting secondary transmission rate information to the wireless communications device on a signaling and control channel.

14. (Original) The method of Claim 10,

transmitting transmission rate control information to the wireless communications device to which the channel has been allocated, the transmission rate control information controlling a transmission rate of the wireless communications device,

not extending the channel allocation by not transmitting the transmission rate control information to the wireless communications device after determining that the wireless communications device discontinued transmission.

15. (Original) A method in a wireless communications device, the method comprising:

terminating transmission on an allocated channel;

receiving transmission rate control information after terminating the transmission,

interpreting the transmission rate control information received after terminating the transmission on the allocated channel as an indication that the channel allocation has been extended beyond the time during which the transmission was terminated.

16. (Original) The method of Claim 15,

receiving transmission rate control information during at least some frames while transmitting before terminating transmission,

controlling the transmission rate using the transmission rate control information received while transmitting.

17. (Original) The method of Claim 15, transmitting on the allocated channel, after the channel allocation has been extended, at a

transmission rate different than a transmission rate before terminating the transmission.

18. (Original) The method of Claim 17, transmitting on the allocated channel, after the channel allocation has been extended, at a transmission rate based on the transmission rate control information received after terminating the transmission.

19. (Original) The method of Claim 17,

receiving a signaling and control message with secondary transmission rate information,

transmitting on the allocated channel, after the channel allocation has been extended, at a transmission rate based on the secondary transmission rate information.

20. (Original) The method of Claim 19, transmitting on the allocated channel, after the channel allocation has been extended, at a transmission rate based on the secondary transmission rate information conditioned on a polarity attribute of the transmission rate control information received after terminating the transmission.